

## **II. Remarks**

Claims 1-11 were pending in this application and were rejected. The present amendment amends Claims 1-11 to correct minor errors and to more particularly point out and clarify Applicants' invention.

Reconsideration of the Application in view of the above amendments and the following remarks is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-4 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0149179, issued to Holtz ("Holtz") in view of U.S. Patent No. 6,250,669 issued to Ohmiya ("Ohmiya"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of Claims 1-4 and 6-11 are traversed.

Applicants have amended Claim 1 to recite that the housing comprises a main housing structure and a housing cover that is connected with the main housing structure to define a hollow space for accommodation of the gas generator and the airbag. The housing cover is configured to have an outer side that faces the vehicle occupants when installed in the motor vehicle. The housing cover has an inner side opposite the outer side. The inner side has at least one side edge material weakness formed therein which is torn open upon deployment of the airbag to define an edge of the housing cover. The inner side of the housing cover has a hinge material weakness formed therein defining a hinge that folds to form a cover flap upon deployment of the airbag to open the housing cover. The cover flap having a portion of the housing cover that

includes the edge. The side edge material weakness and the hinge material weakness are invisible as viewed along the outer side of the housing cover by the vehicle occupants. The housing cover is connected with the main housing structure by a perforated section that tears open upon deployment of the airbag allowing the hinge to fold. Support for these amendments may be found in Applicants application at paragraphs [0030] – [0037] and Figures 2-4.

Holtz discloses an airbag cover 26 including a panel member 27 which is connected to and conforms to the contour of a dash board 12. The outer side of the panel member 27 is exposed to vehicle occupants (see Figure 1) when installed in the vehicle. Opposite the outer side of the panel member 27 is the inner side of the panel member 27. A breakaway hinge leg 28 and a retaining hinge leg 44 extend from the inner side of the panel member 27 in a substantially perpendicular direction. *Holtz* at paragraphs [0031]-[0032] and Figure1-2. As such, the hinge legs 28 and 44 are not opposite the outer side of the cover member 27 and accordingly, do not correspond to Applicants' inner side of the cover as recited in the present claims.

The hinge legs 28 and 44 retain the airbag cover 26 securely to the dash board 12 until an accident. The breakaway hinge leg 28 includes a tear seam 38 which is transverses to the length of the breakaway hinge leg 28. During inflation of the airbag 20, the airbag 20 strikes the breakaway hinge leg 28 with sufficient force to break the breakaway hinge leg 28 at the tear seam 38. *Id.* at paragraphs [0033]-[0035]. Notably, the tear seam 38 is not formed in a side (i.e. inner side) of the cover member 27 opposite its outer side and accordingly, is not Applicants' claimed side edge material weakness as suggested by the Examiner.

The retaining hinge leg 44 is configured with clip holes 60 and includes clip springs 62 which extend into corresponding clip holes 60. Each clip hole 60 receives a protruding member 54 of the dash board 12. When the airbag 20 is deployed, the clip springs 62 allow for some pivotal movement of the retaining hinge leg 44 relative to the protruding member 54. Notably, the retaining hinge leg 44 pivots relative to the protruding member 54 and does not fold the cover member 27 to form a cover flap. As such, the clip holes 60, clip springs 62 and retaining hinge leg 44 do not correspond to Applicants' claimed hinge material weakness formed on an inner side of the housing cover.

The retaining hinge leg 44 further includes energy management apertures 64 which serve to control and re-direct the energy from the connection of the retaining hinge leg and the panel member 27. The energy is generated by the inflator system 16 in deploying the airbag 20. The energy management apertures 64 receive energy from the impact and control the energy, resulting in the material of the retaining hinge leg 44 stretching in various directions. The energy tends to cancel out so that the retainer hinge leg 44 does not tear. *Id.* at paragraphs [0041]-[0042]. Notably, Holtz fails to disclose that the apertures 64 tear open and in fact, teaches away from tearing open the apertures 64. Moreover and as admitted by the Examiner, Holtz fails to disclose that the apertures tear open to define an edge of the cover member 27.

Ohmiya discloses instrument panel 10 with an airbag door assembly including an airbag door portion 10A made of skin 30, foam 34 and a door insert 32. *Ohmiya* at col. 4, lines 39-50. A mounting flange 39 protrudes from the inner side of the door insert 32 for attaching an airbag unit 12. *Id.* at col. 4, lines 59-67. A protruding portion 48 extends beyond the mounting flange 39 from the

outer portion of the door insert 32 towards the instrument panel insert 18 defining an edge of the door insert 32. *Id.* at col. 6, lines 14-17 and Figures 1-2. A notch provides the mounting flange 39 with a thin wall portion 51 that breaks during airbag deployment. *Id.* at col. 6, lines 44-47. A rib 32 protrudes from the upper surface of the door insert 32. The rib 62 extends near and along the breakable portion 54 of the skin 30 which locally reduces the foam layer 34 thickness. Upon deployment of the airbag, the breakable portion 54 of the skin 30 breaks forming an airbag door edge consisting of the breakable portion 54, the reduced foam layer 34 and the protruded portion 48 of the door insert 32. Notably, the edge of the door assembly is not defined by the broken thin wall portion 51 and accordingly, does not correspond to Applicants' claimed side edge material weakness as suggested by the Examiner.

Neither Holtz nor Ohmiya independently or in combination, disclose, teach or suggest the present invention as recited in Claim 1. More specifically, neither Holtz nor Ohmiya disclose, teach or suggest a housing comprising a housing cover (1) having an inner side that has at least one side edge material weakness formed therein, (2) a hinge material weakness formed in the inner side of the housing cover defining a hinge that folds to form a cover flap, and (3) a perforated section that tears open upon deployment of the airbag allowing the hinge to fold. In that both Holtz and Ohmiya lack the noted elements of Claim 1, the rejection based thereon should be withdrawn. Accordingly, Applicants believe that Claim 1 and its dependent Claim 2- 4 and 6 – 11 are in a condition for allowance.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Holtz and Ohmiya and further in view of U.S. Patent No. 5,961,143 issued

to Hlywka et al. ("Hlywka"). Applicants respectfully submit that the rejection of Claim 5 is traversed.

Since Claim 5 depends on Claim 1 and since Hlywka fails to disclose a housing comprising a housing cover (1) having an inner side that has at least one side edge material weakness formed therein, (2) a hinge material weakness formed in the inner side of the housing cover defining a hinge that folds to form a cover flap, and (3) a perforated section that tears open upon deployment of the airbag allowing the hinge to fold, the combination of Holtz, Ohmiya and Hlywka cannot render the claim of the present invention as obvious. The rejection under section 103(a) is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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